

Message Text

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ACTION ARA-10

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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 9096

LIMITED OFFICIAL USE SECTION 1 OF 2 BRASILIA 10190

DEPT FOR ELTZ AND PASCUA, ARA/ECA/BR

E. O. 11652: N/A
TAGS: CASC (DAVIS FAMILY), BR
SUBJECT: EXCHANGE OF LETTERS BETWEEN EMBASSY AND JOHN DAVIS, JR.

REF: BRASILIA 10174

1. FOLLOWING ARE TEXTS OF LATEST EXCHANGE OF CORRESPONDENCE
BETWEEN EMBASSY AND DAVIS FAMILY REGARDING FAMILY'S LAND/
SECURITY PROBLEM.

2. LETTER OF 11/17/76 FROM JOHN DAVIS, JR., TO AMBASSADOR
CRIMMINS. BEGIN LETTER. DEAR AMBASSADOR CRIMMINS:
THE RELEASE LAST WEEK OF ALL THOSE UNDER ARREST PENDING TRIAL
FOR THE MURDERS OF JOHN W. DAVIS, J. MALLORY DAVIS AND
M. BRUCE DAVIS HAS GREATLY INCREASED THE DANGER TO THE ALREADY
EXTREMELY JEOPARDIZED LIVES OF THE REMAINING MEMBERS OF
THE DAVIS FAMILY. AS YOU ARE AWARE, THIS IS MERELY THE CON-
TINUATION OF THE WORSENING SITUATION OF OUR PROPERTY AND
OUR LIVES RESULTING DIRECTLY FROM THE TOTAL ABSENCE OF EFFECTIVE
GOVERNMENT MEASURES AGAINST THE RAMPANT LAWLESSNESS AROUND US.

3. IT HAS BEEN IMPRESSED UPON US AGAIN AND AGAIN BEYOND ANY
DOUBT THAT FIRM AND FORCEFUL GOVERNMENT ACTION AGAINST THE
CRIMINAL DISDAIN OF OUR PERSONS AND OUR PROPERTY IS THE ONLY
SOLUTION TO SUCH CRIMES.

4. WE ARE VERY DISAPPOINTED WITH THE PESSIMISM AND RESIGNATION
WE SEE IN OUR CONSUL HERE AND HOPE YOU DO NOT SHARE HIS VIEWPOINT.
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WE REFUSE TO ACCEPT THE INVASION AND DESTRUCTION OF OUR PROPERTY

AND THE MURDERS OF OURSELVES AS INEVITABLE HERE. THE EFFECTIVE SUPPORT PROVIDED US BY THE STATE GOVERNMENT FROM THE INDEMNIFICATION AND REMOVAL OF ALL SQUATTERS FROM OUR PROPERTY IN 1968 UNTIL THE END OF 1972 HAS US CONVINCED THAT RESPECT FOR PROPERTY AND LIFE IS NOT AN IMPOSSIBLE DREAM HERE IN PARA. WE SEE IT AS IMPOSSIBLE ONLY AS LONG AS THE AUTHORITIES REFUSE TO TAKE THE NECESSARY AND NOT UNPRECEDENTED STAND TO ENSURE IT.

5. WE DO NOT KNOW THE REASON WHY BUT WE DO KNOW VERY WELL THE FACT THAT YOUR PRESENTATION OF OUR JULY 31 REQUESTS TO THE MINISTRY OF JUSTICE HAS TO THIS DAY FAILED TO PRODUCE A SINGLE ONE OF THE THREE DESIRED RESULTS.

6. WE ALSO FAIL TO UNDERSTAND BUT ARE ONLY TOO WELL AWARE OF THE FACT THAT THE 25 AUGUST ASSURANCE OF YOUR DEPUTY CHIEF OF MISSION TO ATTEMPT TO OBTAIN POLICE AND IBDF ACTION AT LEAST FOR THE NEW CASES DEMANDING SUCH ACTION HAS FAILED TO PRODUCE A SINGLE INSTANCE OF SUCH ACTION IN THE NUMEROUS NEW CASES OF INVASION, DESTRUCTION AND THEFT SINCE 25 AUGUST.

7. THE RESULT OF OUR EARLY OCTOBER MEETING WITH THE VARIOUS GOVERNMENT OFFICIALS WHICH YOU HELPED COORDINATE WAS THAT WE SHOULD SELL AND LEAVE. OUR EXPERIENCES OF OVER THREE YEARS ATTEMPTING TO ACHIEVE THIS SOLUTION HAVE SHOWN IT TO BE WISHFUL THINKING AND NO SOLUTION.

8. OUR FAILURE TO ENJOY THE RESPECT FOR PROPERTY AND LIFE WHICH WE ONCE ENJOYED HERE AND WHICH IS NOT NOW UNKNOWN IN BRAZIL INDICATES OUR AND OUR EMBASSY'S INADEQUATE INSISTANCE THAT THIS COUNTRY AND THIS COUNTRY'S GOVERNMENT PROTECT SUCH RIGHTS. PLEASE DELIVER THE ATTACHED LETTER REQUESTING SUCH PROTECTION TO THE CHIEF OF CABINET OF THE NATIONAL SECURITY COUNCIL WITH YOUR FULL AND EFFECTIVE SUPPORT.

9. THANK YOU FOR YOUR EFFORTS AND HELP. RESPECTFULLY,
JOHN WEAVER DAVIS, JR. END LETTER.

10. LETTER OF 12/10/76 FROM AMBASSADOR CRIMMINS TO
JOHN W. DAVIS, JR. BEGIN LETTER. DEAR MR. DAVIS: I SHARE
THE CONCERN EXPRESSED IN YOUR LETTER OF NOVEMBER 17, 1976, OVER
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THE RELEASE OF THOSE PERSONS ARRESTED FOR THE MURDER OF JOHN W. DAVIS, J. MALLORY DAVIS, AND M. BRUCE DAVIS. AN EMBASSY OFFICER PERSONALLY DELIVERED THE LETTER YOU ENCLOSED FOR COLONEL SYLVIO OF THE NATIONAL SECURITY COUNCIL, AND TOOK THE OCCASION TO RE-EMPHASIZE OUR CONCERN IN A CONVERSATION WITH THE COLONEL. THE LETTER WAS SUBSEQUENTLY RETURNED TO US THROUGH THE OFFICE OF THE FOREIGN MINISTER, WITH THE ORAL EXPLANATION THAT THE MATTER WAS NOT WITHIN THE PURVIEW OF THE NATIONAL SECURITY COUNCIL,

BUT RATHER THE JUSTICE MINISTRY. (PRESUMBL Y ITS CONTENTS WERE NOTED BY HIGH OFFICIALS OF THE FOREIGN MINISTRY.) WE ARE RETURNING IT TO YOU AS AN ENCLOSURE TO THIS LETTER.

11. AS I PRESUME YOU ARE AWARE, THE RELEASE OF SUSPECTS APPEARS TO HAVE RESULTED ULTIMATELY FROM THE FACT THAT THE PARA STATE PROSECUTOR DID NOT FILE INDICTMENTS PRIOR TO THE EXPIRATION OF THE LEGAL LIMIT ON PREVENTIVE DETENTION OF SUSPECTS. JUDICIAL OFFICIALS FROM WHOM WE SOUGHT EXPLANATION ATTRIBUTED THE DELAY TO THE SCALE OF THE INVESTIGATIONS REQUIRED AS WELL AS TO THE PRESS OF OTHER CASES. WHILE THE RELEASE OF THOSE DETAINED IN NO WAY IMPLIED THAT THE CASE AGAINST THEM HAD BEEN DROPPED (INDEED, WE WERE ASSURED THAT IT WOULD GO FORWARD), WE NONETHELESS VIEWED IT AS AN UNFORTUNATE DEVELOPMENT, AND COMMUNICATED OUR VIEW AT HIGH LEVELS TO THE MINISTRIES OF JUSTICE AND FOREIGN RELATIONS. THIS WEEK WE LEARNED THAT THE GREAT MAJORITY OF THOSE RELEASED HAVE BEEN REARRESTED AND TRANSFERRED TO BELEM, PURSUANT TO A SUCCESSFUL APPEAL BY THE STATE PROSECUTOR TO THE STATE SUPREME COURT.

12. THOUGH I UNDERSTAND THE CONCERN WHICH THIS LATEST EPISODE NO DOUBT CAUSED, I CANNOT AGREE WITH YOUR FEELINGS THAT THE PROBLEMS AT CAPAZ STEM IN PART FROM THIS EMBASSY'S "INADEQUATE INSISTENCE" UPON THE PROTECTION OF AMERICAN LIVES AND PROPERTY, AND WITH THE ATTITUDE OF "RESIGNATION" WHICH YOU ATTRIBUTE TO MR. ORUM, THE U.S. CONSUL IN BELEM. OFFICERS OF THIS EMBASSY AS WELL AS THE CONSULATE IN BELEM HAVE DEVOTED MUCH TIME AND EFFORT IN CONTACTS AT ALL LEVELS OF THE SEVERAL RELEVANT BRAZILIAN CIVIL AND MILITARY ORGANIZATIONS, SEEKING DIRECT INTERVENTION ON YOUR BEHALF AS WELL AS STEPS TO SPEED A RESOLUTION OF THE LAND DISPUTES WHICH UNDERLIE THE CONFLICTS AT CAPAZ.

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DEPT FOR ELTZ AND PASCUA, ARA/ECA/BR

13. THAT OUR APPROACHES HAVE TO DATE PRODUCED LIMITED RESULTS DOES NOT IN ANY WAY REFLECT A LACK OF CONCERN OR EFFORT, NOR DOES IT WEAKEN OUR RESOLVE TO CONTINUE ACTING IN YOUR BEHALF. HOWEVER, IN FAIRNESS TO ALL CONCERNED, IT DOES CALL FOR A REALISTIC APPRAISAL BOTH ON OUR PART AND YOURS OF THE CAPACITY OF THE EMBASSY THROUGH DIPLOMATIC INFLUENCE TO BRING ABOUT A SOLUTION THAT YOU MIGHT CONSIDER TOTALLY SATISFACTORY FROM YOUR POINT OF VIEW.

14. ULTIMATE AUTHORITY IN THIS MATTER RESTS NOT WITH THE U.S. EMBASSY, NOR WITH WASHINGTON, BUT WITH THE BRAZILIAN GOVERNMENT, FEDERAL AND STATE. OUR EFFORTS AND THOSE OF THE BRAZILIAN OFFICIALS WE DEAL WITH HAVE BEEN COMPLICATED NOT ONLY BY THE LEGAL ASSERTIONS OF THE SQUATTERS, WHICH PARTIALLY REMOVE

THE MATTER FROM THE EXECUTIVE REALM TO THE JUDICIAL BRANCH, BUT ALSO BY THE FACT THAT EITHER ADMINISTRATIVE OR JUDICIAL DECISIONS, TO GAIN EFFECT, REQUIRE A FURTHER DETERMINATION TO ALLOCATE VERY SCARCE STATE AND FEDERAL MANPOWER AND MONEY IN A VAST REGION WHERE SIMILAR LAND DISPUTES ARE ENDEMIC AND, INDEED, HAVE SPREAD RAPIDLY SINCE IMPROVEMENTS TO THE HIGHWAY SYSTEM IN THE EARLY 1970S BROUGHT INCREASED MIGRATION AND RURAL SETTLEMENT TO MUCH OF THE AMAZON BASIN.

15. MR. ORUM REMAINS DETERMINED TO MAKE ANY APPROACH AT THE STATE LEVEL THAT MIGHT IMPROVE YOUR SECURITY OR EASE YOUR PROBLEM. AS TO HIS ALLEGED "PESSIMISM" I CAN ONLY SAY THAT HE SHARES THE CONCERN OF ALL OF US OVER WHAT YOU DESCRIBED AS LIMITED OFFICIAL USE

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"RAMPANT LAWLESSNESS" AND THE APPARENT INABILITY OF THE PARA STATE GOVERNMENT, BECAUSE OF INSUFFICIENT MONEY AND MANPOWER, JUDICIAL IMPEDIMENTS, OR OTHER CONSTRAINTS, SIMPLY TO DRIVE THE SQUATTERS OFF YOUR LAND AND KEEP THEM OFF.

16. IT WAS IN LIGHT OF THESE OBSTACLES, AND OF THE APPARENT IMPASSE THEY HAD PRODUCED, THAT THE EMBASSY, WITH WHAT WE UNDERSTOOD TO BE YOUR CONCURRENCE, SOUGHT TO INVOLVE INCRA ONCE AGAIN IN THE CASE AS A MEDIATOR BETWEEN CAPAZ AND THE SQUATTERS. THE OCTOBER 1 MEETING BETWEEN CAPAZ REPRESENTATIVES, INCRA OFFICIALS, THE U.S. CONSUL IN BELEM, AND FEDERAL AND STATE POLICE OFFICERS, PRODUCED MORE POSSIBLE OPTIONS THAN SIMPLY A SUGGESTION THAT YOU "SELL AND LEAVE". I UNDERSTAND THAT NONE OF THESE PROPOSALS PROVED TO BE ACCEPTABLE TO YOU AS A BASIS FOR FURTHER DISCUSSION. WHILE WE ARE AWARE OF YOUR REASONS FOR NOT WANTING TO GO FURTHER WITH THESE PROPOSALS AND WOULD NOT WISH TO QUESTION YOUR DECISION SINCE IT IS ONE FOR YOU TO MAKE, IT SHOULD BE RECOG-

NIZED THAT IT ELIMINATES THE BASIS FOR A NEGOTIATED SETTLEMENT WITH INCRA PARTICIPATION. IT THUS LEAVES THE MATTER IN THE HANDS OF THE COURTS, WHICH HAVE SO FAR GIVEN NO PROMISE OF AN EARLY SOLUTION.

17. IF THIS IS THE COURSE YOU WISH TO PURSUE, WE WILL, OF COURSE, RESPECT YOUR DECISION AND PERSIST IN OUR EFFORTS IN YOUR BEHALF. OUR EFFORTS WILL BE AIMED PRIMARILY AT MAINTAINING THE PERSONAL SECURITY FORCE ASSIGNED TO MEMBERS OF THE FAMILY AT CAPAZ, AT ENCOURAGING THE AUTHORITIES TO PURUSE VIGOROUSLY THE PROSECUTION OF THOSE RESPONSIBLE FOR YOUR FATHER'S DEATH, AND AT URGING THE MINISTRY OF JUSTICE TO SPEED UP THE JUDICIAL PROCESSES.

18. IN ADOPTING THIS APPROACH, I MUST AGAIN IN FAIRNESS AND CANDOR CAUTION YOU, HOWEVER, AGAINST THE ERROR OF ASSUMING THAT COMPLETE SUCCESS AWAITS MERELY AN EXTRA "PUSH" OR "SHOVE" ON THE PART OF THE EMBASSY. THE SITUATION, UNFORTUNATELY, IS FAR MORE COMPLEX THAN THAT.

19. PLEASE BE SURE TO KEEP THE EMBASSY AND THE CONSULATE IN BELEM INFORMED ABOUT ANY NEW DEVELOPMENTS AT CAPAZ. SINCERELY, JOHN HUGH CRIMMINS. END LETTER.
CRIMMINS
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